

From: Damien Sorresso
To: Microsoft ATR,microsoftcomments@doj.ca.gov@inetgw,...
Date: 11/20/01 2:21pm
Subject: Microsoft/Department of Justice Settlement

I am writing all you Attorneys General and the United States Department of Justice to express my extreme dissatisfaction at the "settlement" that the Department of Justice has reached with Microsoft. I am not a resident of any of the states I am writing to, but my life will be affected by the Department of Justice's cave-in as much as anyone else's. I feel that, as a registered voter and American, my voice should be heard.

Microsoft was ruled to be an illegal monopoly. It's settlement with the Department of Justice does not take even the smallest amount of what are, in my opinion, requisite actions against Microsoft to ensure that it does not tighten its stranglehold of the computing industry.

The new settlement, unlike the one proposed by Judge Jackson, does not require Microsoft to disclose its API's to third parties anymore. Section J1:

No provision of this Final Judgment shall:

1.Require Microsoft to document, disclose or license to third parties:

(a) portions of APIs or Documentation or portions or layers of Communications Protocols the disclosure of which would compromise the security of anti-piracy, anti-virus, software licensing, digital rights management, encryption or authentication systems, including without limitation, keys, authorization tokens or enforcement criteria;

or (b) any API, interface or other information related to any Microsoft product if lawfully directed not to do so by a governmental agency of competent jurisdiction.

Section a allows Microsoft to get around disclosing API's and other information by claiming that its security is threatened. This allows Microsoft to continue its closed, monopolistic way of setting new "standards" in the computing industry. This settlement will not change anything at all.

Section b offers Microsoft government protection for its monopolistic acts. It allows for Microsoft's non-disclosure to be enforced by the government. This is totally unacceptable. Microsoft has been ruled a monopoly, and these terms seem more like the government wants to protect Microsoft's monopoly, rather than doing what it should and break it up.

In spite of the fact that it has been ruled a monopoly, Microsoft continues monopolistic and domination-like actions. I shall list some recent actions taken by Microsoft that belie its monopolistic nature:

1: Upon opening the new MSN website, users of the Opera web browser were unable to view the site. Users of Opera were directed to "upgrade" to Microsoft's own Internet Explorer web browser to properly view the content. Microsoft, when questioned about the incompatibility, accused Opera of being non-compliant with the XML standard specifications. Opera immediately shot back that they prided their web browser on standards compliancy, and submitted an XML standard test of MSN that showed it to not be compliant with the XML standard specifications, thus identifying MSN as the culprit. Microsoft then fixes the problem so that MSN could be viewed by other browsers. Had Opera not made public MSN's non-compliance to the XML standard, Microsoft's attempt to coerce users of Opera into using Internet Explorer would have gone unnoticed. Microsoft has no shame in continuing its attempts to dominate the internet.

2: Windows XP and the latest version of Internet Explorer do not ship with Java support. Java is one of the key components for the internet, because it works with every operating system that can run a Java Virtual Machine. Why would Microsoft not want to support this standard? Because it is a roadblock in Microsoft's attempts to saturate the internet with Microsoft-only standards and products. Java works with every operating system, and Microsoft is attempting to replace it with a Windows-only standard that would force any desiring to be on the internet to buy a Windows PC, rather than a Macintosh or Linux machine.

3: Microsoft's proposed security procedures are based on "security through obscurity." Microsoft disallows the publication of any security holes than may be found in its operating systems or applications for at least 30 days after the said hole was found. Even then, security companies are only allowed to release very general information that is not helpful to system administrators wishing to develop a temporary work-around for the problem while Microsoft works on a patch that fixes the hole. The fundamental problem with this approach is that it leaves the security hole completely open and unguarded for a period of one month. Microsoft is essentially taking the chance that no rogue hackers will discover the flaw and exploit it in 30 days. After making the public aware of the problem after 30 days, system administrators must wait for Microsoft to release a patch. The public release of information cannot contain the information required to exploit the security hole, so system administrators cannot test the problem on their own networks, nor can they isolate and deactivate the part of the network that is flawed. For most companies, this means an indeterminate time of over one month in which their network is vulnerable if it is running Microsoft software as its backbone. Taking the network offline is simply not an option in today's e-commerce-based industry.

Of course, many may say that the alternative is to simply use Linux or UNIX in place of Microsoft's software. However, Microsoft already has enough of a presence in business networks that a transition to Linux would cost a great deal in the short-term in the purchase of new servers and the training or hiring of certified and UNIX-knowledgeable network administrators to replace

MCSE-certified ones. While a large company like IBM can make this transition without worrying about cost in the short term, the large number of startup companies that have sprung up that are using Microsoft's products do not have this option due to lack of revenue and sales. They must use the money they have to maintain their existing network and pay Microsoft outrageous licensing fees.

4: Microsoft is now beginning to try and extend its influence and power to every aspect of the technology market. The recent release of the X-Box to the game console market, coupled with Microsoft's Ultimate TV and the presence of the Windows Media Audio format on copy-protected Compact Discs, should be enough to show that Microsoft is not satisfied with mere domination of the computer operating system market. They wish to impose their closed-standard and secretive approach on any technology market that they can.

5: Microsoft continues to write new "standards" for the computing industry that conveniently only work with its operating systems, instead of embracing real standards. Real standards are written by committees which openly-publish their work so that anyone can use it. The Motion Picture Experts Group (MPEG) writes the MPEG standard for the industry, and any wishing to comply with this standard can obtain a license and make it work with any operating system or media player. Microsoft's standards are not available to the public, and they can only be used by Microsoft products. No version of Windows comes with built-in servers for telnet, FTP or any other open standard. All Linux distributions and Mac OS X come with built-in support for these open and accepted standards. Microsoft forces you to buy a Terminal Server application that uses a closed and proprietary communications protocol.

Microsoft is a monopoly and should receive harsher penalties, such as a break-up or forced-disclosure of the source code for Windows. Private organizations should not be able to bully the government into protecting their monopolies and have the government passively approve of such bullying tactics against other companies that offer even the smallest bit of competition.

Please know I desire harsher penalties for Microsoft, and I support any reasonable action taken in seeking these penalties.

--

Damien Sorresso

CC: Dominic Sorresso, Michael Sherry, contribute@macosru...